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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 PAUL ANTHONY WESBECHER,

11 Petitioner,

No. CIV S-04-0807 FCD CMK

12 vs.

13 DANIEL FOY,

14 Respondent.

ORDER

15 _____/
16 Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of
17 habeas corpus pursuant to 28 U.S.C. § 2254, together with a request to proceed in forma
18 pauperis.

19 Examination of the in forma pauperis affidavit reveals that petitioner is unable to
20 afford the costs of suit. Accordingly, the request for leave to proceed in forma pauperis will be
21 granted. See 28 U.S.C. § 1915(a).

22 Since petitioner may be entitled to the requested relief if the claimed violation of
23 constitutional rights is proven, respondents will be directed to file a response to petitioner's
24 application.

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1 In accordance with the above, IT IS HEREBY ORDERED that:

2 1. Petitioner's request to proceed in forma pauperis is granted;


3 2. Respondent is directed to file a response to petitioner's application within
4 thirty days from the date of this order. See Rule 4, Fed. R. Governing § 2254 Cases. An answer
5 shall be accompanied by any and all transcripts or other documents relevant to the determination
6 of the issues presented in the application. See Rule 5, Fed. R. Governing § 2254 Cases;

7 3. Petitioner's traverse, if any, shall be filed and served within thirty days of
8 service of an answer;

9 4. If the response to petitioner's application is a motion, petitioner's opposition or
10 statement of non-opposition shall be filed and served within thirty days of service of the motion,
11 and respondents' reply, if any, shall be filed within fifteen days thereafter; and

12 5. The Clerk of the Court shall serve a copy of this order together with a copy of
13 petitioner's application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 on Jo Graves,
14 Senior Assistant Attorney General.

15 DATED: May 16, 2005.

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18 **CRAIG M. KELLISON**
19 UNITED STATES MAGISTRATE JUDGE
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